

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CHARLES EDWARD DAEDA,

Plaintiff,

v.

Case No. 2:20-cv-00878-JLB-NPM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

The Commissioner moves to stay the case for ninety days, or until such time as the Social Security Agency (“SSA”) regains the capacity to produce the certified transcript of the record for this case. (Doc. 14.) The Commissioner represents that he was unable to confer with the pro se Plaintiff under Local Rule 3.01(g) and, in abundance of caution, represents that the motion is opposed. (Id.)

Attached to the Commissioner’s motion is a sworn declaration by the Executive Director of SSA’s Officer of Appellate Operations (“OAO”). (Doc. 14-1.) The declaration provides that the SSA has transitioned to a “maximum telework environment” due to the COVID-19 pandemic, and this transition has created various workflow problems that have disrupted OAO’s normal procedures for preparing appellate records in social security appeals. (Doc. 14-1.) These problems have prompted the Commissioner to request a stay in this (and other) cases.

After reviewing the Commissioner’s motion, the Court concludes that he has shown a necessity for a stay. However, given the importance of receiving social

security benefits in a timely manner, the Court will stay the matter for sixty days. If the Commissioner's answer and administrative record are not filed within that time, the Commissioner may move for an extension (provided the circumstances justify one).

Accordingly, it is **ORDERED**:

1. The Commissioner's motion to stay proceedings (Doc. 14) is
GRANTED IN PART. The case will be stayed for **sixty days** from the date this Order is filed.
2. The stay shall automatically lift upon the Commissioner's filing of his answer and administrative record, or upon the expiration of the sixty-day stay—whichever comes first.

ORDERED in Fort Myers, Florida, on January 25, 2021.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style.

JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE